

REMARKS

I.

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 16-32 are presently active in the application. Claims 1-15 have been cancelled. Claims 31 and 32 have been added by the present amendment.

The objections to the drawings set forth on page two of the office action have been noted. Corrected drawings are submitted herewith.

The objections to the specification set forth on page 2 of the office action are noted. The specification has been amended to set forth suitable headings and to delete references to the claims. Also, reference signs have been corrected on page 8 line 8 and on page 9 line 5. No new matter has been added.

The objection to claim 16 set forth on page 2 of the office action is noted. Claims 16 and 18 have been amended to overcome the noted objection.

II.

Claims 16, 20, 21, and 27-29 stand rejected under 37 USC 102(e) as being anticipated by Busack (USP 6,020,851). This rejection is respectfully traversed.

Claim 16 recites “a positioning device configured to obtain positioning data relating to the position of the respective racecar at any time during the race, and at any location on the racetrack” and “a memory configured to store track data of the racetrack and a calculation device configured to calculate positions of the racecars on the racetrack from the received positioning data of the respective racecar and the stored track data.” As shown in Fig. 1 and described on page 8 lines 3-17, the racetrack 2 is represented by ordered sequences of corner points 11, which are measured in a fixed coordinate system 12 and function as track data. On

the other hand, there is no disclosure in the applied reference of a memory to store track data of the racetrack and to calculate the positions of the racecars on the racetrack from the received positioning data of the respective racecars and the stored track data. As shown in Fig. 1, the racetrack of the present invention can differ within a broad variety of geometrical forms and radii of curvature (i.e., Formula One racetrack). On the other hand, the racetrack shown in the applied reference is a simple oval (i.e., Indy racetrack), which need not be saved in a memory because no track data is needed to determine the position of the racecars on the track. Moreover, in the applied reference, the racetrack could be superposed over the replicated racecars on the fly. In any event, there is no disclosure in the applied reference of a memory configured to store data of the racetrack, and therefore it does not disclose a calculating device as recited in claim 16, which calculates the position of the racecars, in part, on that data. Accordingly, Busack fails to anticipate the subject matter defined by claim 16. Moreover, Busack fails to suggest the subject matter defined by claim 16.

Claims 20, 21, and 27-30 depend either directly or indirectly from claim 16. Accordingly, each of those claims patentably distinguishes over the applied reference for the reason stated above with respect to claim 16. Moreover, each of those claims includes additional limitations which further patentably distinguish over the applied reference.

III.

Claim 22 stands rejected under 35 USC 103(a) as being unpatentable over Busack in view of Saller (DE 4005913A1). This rejection is respectfully traversed.

Claim 22 depends indirectly from claim 16. Saller fails to makeup for the deficiencies in Busack noted above with respect to claim 16. Accordingly, claim 22 patentably distinguishes over the applied references for the reasons stated above with respect to claim 16. In addition, Saller has nothing to do with racecars or a racetrack. Accordingly,

it is only through the improper use of hindsight using Applicant's disclosure as a template that one having ordinary skill in the art would attempt to combine the teachings of Busack and Saller in the manner proposed in the office action in order to arrive at the subject matter defined by claim 22. Accordingly, Applicant respectfully requests that the rejection of claim 22 be withdrawn.

IV.

Claims 23-26 stand rejected under 35 USC 103(a) as being unpatentable over Busack in view of Martell (USP 4,949,067). This rejection is respectfully traversed.

Claims 23-26 depend either directly or indirectly from claim 16. Martell fails to make up for the deficiencies in Busack noted above with respect to claim 16. Accordingly, claims 23-26 patentably distinguish over the applied references for the reasons stated above with respect to claim 16. Moreover, each of those claims includes additional limitations which further patentably distinguish over the applied references. In particular, the section monitors set forth in claims 24 and 25 are clearly not taught or suggested by the applied references. The section monitors 22 and 22X are illustrated in Figs. 2A and 2B and described in the paragraph bridging pages 10 and 11. The section monitors permit different warning messages to be sent to the respective racecars depending upon their respective positions on the racetrack with respect to a specific dangerous condition. There is no teaching or suggesting in Busack of transmitting a warning message to the racecars on the track. In the system disclosed by Martell, all of the racecars receive the same warning message. Accordingly, the subject matter set forth in claims 24 and 25 is clearly not taught or suggested by the applied references.

Claim 26 depends from claim 23 and further recites "wherein the safety information can be determined from at least one of the calculated position and the operating data of the at

least one of the racecars." The subject matter defined by claim 26 is clearly not taught or suggested by the applied references.

V.

Claims 17-19 stand rejected under 35 USC 103(a) as being unpatentable over Busack in view of Drane. This rejection is respectfully traversed.

The system set forth in claim 17 includes at least 3 direction-finding receivers as illustrated in Fig. 2B by the receivers 23. Claim 17 further sets forth a central unit equipped with a memory configured to store track data of the racetrack and a calculating device configured to calculate positions of the racecars on the racetrack from the routing position data of the respective racecars and from the stored track data. As shown in Fig. 1 and described on page 8 lines 3-18, the racetrack 2 is represented by ordered sequences of corner points 11, which are measured in a fixed coordinate system 12 and function as track data. Busack fails to teach or suggest a positioning system including at least 3 direction-finding receivers as set forth in claim 17. In addition, Busack fails to teach or suggest a central unit equipped with a memory configured to store track data of the racetrack and a calculation device configured to calculate positions of the racecars on the racetrack from the routed positioning data of the respective racecars and from the stored track data. This relationship is not taught or suggested by the applied references whether taken alone or in any proper combination. Moreover, there is no teaching or suggestion in Drane of using any of the systems disclosed therein in a racetrack environment. Moreover, contrary to the assertion in the office action, Figure 8.9 does not teach or suggest that a system using outside transmitters is more expensive than a system using outside receivers. Figure 8.9 of Drane merely shows that the cost of each system falls within a particular range. Accordingly, Applicant respectfully requests that the rejection of claim 17 be withdrawn.

Claims 18 and 19 depend either directly or indirectly from claim 17. Accordingly, those claims patentably distinguish over the applied references for the reasons stated above with respect to claim 17. Moreover, each of those claims includes additional limitations which further patentably distinguish over the applied references. In particular, claim 18 combines the systems of claims 16 and 17. Clearly the combined system set forth in claim 18 is not taught or suggest by the applied references. Claim 19 depends from claim 18. Accordingly, claim 19 patentably distinguishes over the applied references for the reasons stated above with respect to claims 17 and 18.

VI.

New claim 31 corresponds to claim 16, but it further states in line 7 that the racetrack is represented by an ordered sequence of corner points. Support for this recitation is shown in Fig. 1 and described, for example, on page 8 lines 12-16.

New claim 32 depends from claim 31, and it recites that the memory is configured to “updatelly” store data of the racetrack. Support for this recitation can be found on page 3 lines 13-16.

The noted recitations in claims 31 and 32 are not taught or suggested by Busack, which was applied against claim 16. Thus, in addition to the reasons stated above with respect to claim 16, the noted recitations further patentably distinguish claims 31 and 32 over Busack.

VI.

For the reasons stated above, Applicant respectfully requests favorable reconsideration and allowance of claims 16-32.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599
James R. Boler
Registration No. 37,058

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 08/03)

I:\ATTY\JRB\221414US\AMENDMENT 30 OCT 03.DOC